

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**GAIL WILLIAMS**

**PLAINTIFF**

v.

**CAUSE NO. 1:13CV283 LG-JMR**

**STATE OF MISSISSIPPI, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

This cause comes before the Court on the Report and Recommendation [17] of United States Magistrate Judge John M. Roper, Sr. entered in this cause on June 27, 2014. Judge Roper's review of the procedural history of this case shows that plaintiff has failed to serve process, although this case has been pending for one year. Additionally, the plaintiff failed to respond to an order of the Court requiring her to show cause why this case should not be dismissed for failure to prosecute. (Order to Show Cause, Feb. 12, 2014, ECF No. 5). Judge Roper concluded that plaintiff's actions show that she is unable to pursue this case at this time, warranting dismissal pursuant to FED. R. CIV. P. 41(b).

Judge Roper mailed a copy of the Report and Recommendation to plaintiff's address of record by certified mail on June 27, 2014, but it was returned as undeliverable on July 1. (ECF No. 18). With no response from the plaintiff, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having reviewed the Report and Recommendation and the record in this case, the Court finds that the Magistrate Judge's conclusion is

neither clearly erroneous nor contrary to law. Accordingly, it will be adopted by this Court, and plaintiff's case dismissed.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Report and Recommendation [17] of United States Magistrate Judge John M. Roper, Sr. entered in this cause on June 27, 2014, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the plaintiff's claims are **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 41(b) for failure to prosecute.

**SO ORDERED AND ADJUDGED** this the 18<sup>th</sup> day of July, 2014.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE